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October 1, 1969
NUMBER 3202.1

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614-0205

Department of Defense Directive

SUBJECT Use of Department of Defense Research Facilities by
Academic Investigators

- Refs: (a) Federal Council for Science and Technology's
"Policy on Expanded Use of Federal Research
Facilities by University Investigators,"
February 21, 1969 (see enclosure 1)
(b) DoD Instruction 7230.7, "User Charges,"
December 20, 1966
(c) Armed Services Procurement Regulation
12-804(a), "Equal Opportunity Clause,"
January 1969

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I. PURPOSE

This Directive implements the provisions of reference (a) within the Department of Defense, and assigns responsibilities and outlines policies and procedures governing the use of DoD Research facilities (including DoD-supported Research Centers) by academic investigators.

II. APPLICABILITY AND SCOPE

The provisions of this Directive apply to the Military Departments and Defense Agencies (hereinafter referred to as "DoD Components"), and to DoD-supported Research Centers, and cover all DoD specialized research facilities.

III. DEFINITIONS

For purposes of this Directive, the following term definitions will apply:

- A. Research - All effort directed toward increased knowledge of natural phenomena and environment, and the solution of problems in the physical, behavioral, engineering, environmental, social, and bio-medical sciences.

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- B. Academic Investigators - Faculty, staff members, and students of institutions of higher education who are engaged in research.
- C. DoD-Supported Research Centers - Federally Funded Research and Development Centers which were established by the Federal Government or have a long-term operating commitment from it, and are principally financed by DoD to perform or manage research and development programs.
- D. Specialized Research Facilities - Unique, unusual, and generally expensive-to-duplicate facilities of the DoD and DoD-supported Research Centers which can be used for research without serious detriment to laboratory missions. (This does not include general laboratory space and standard equipment.)
- E. Significant Costs - For purposes of providing a uniform guideline for cost reimbursement, significant costs are those costs in excess of \$200. (See IV.B.1.c., and IV.D.2.a., below.)

IV. POLICY AND RESPONSIBILITY

The Secretaries of the Military Departments and Directors of Defense Agencies, acting under the overall program guidance of the Director of Defense Research and Engineering, will assure that the following policies and procedures are fully implemented throughout their respective organizations:

- A. General. DoD specialized research facilities will be made available for research by academic investigators (1) who are working on experiments which have scientific merit, or which relate to DoD research objectives, or which contribute to the furtherance of national research and research training; and (2) who agree to make the results of their research available to the DoD and all other interested Government agencies, under the following conditions:
 - 1. The proposed research can be accomplished without serious detriment to the mission of the DoD Component involved.
 - 2. Full advantage is taken of (a) slack and off-hour use of specialized equipment and facilities, and (b) voluntary, off-hour professional staff collaboration.
 - 3. Investigators supply their own technician support where feasible, with a minimum being provided by the host.

4. Use of the host's resources for shop work, such as precision machining and small scale plumbing, is avoided where possible.

B. Agreements and Security Clearances

1. A use agreement and arrangements for any security requirements, including security clearances and area access clearances, shall be made prior to initiating use of DoD research facilities. Agreements shall be executed (see IV.E., below) which:
 - a. Indemnify the Federal Government from all liability and claims in case of personal injury to or the death of any individual caused by the users, failure of or damage to experiments or equipment, or for loss of or damage to any property of the user or other persons.
 - b. Assure reimbursement for damage to DoD-furnished equipment and facilities (see IV.C.1., below).
 - c. Assure that the DoD will be reimbursed for each usage of facilities by the researcher's sponsoring academic institution and/or any other organization involved, for significant incremental operating costs not directly related to the mission of the DoD activity concerned (see IV.D.2.a., below).
 - d. Specify that DoD research equipment and facilities may be moved or discontinued, at the convenience of the DoD and with reasonable notice to academic investigators involved, when a DoD research project is affected by overall priorities or resource limitations or has been completed.
 - e. During the period covered by the use agreement, the user shall agree to follow the Equal Opportunity Requirements as specified in the Armed Services Procurement Regulation 12-804(a).
2. Reciprocal use by DoD Components of equipment and facilities at academic institutions shall be sought where appropriate.

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C. Equipment

1. An assessment of the risks to DoD-furnished equipment and facilities will be completed before they are made available for use by academic investigators (see IV.B.1.b., above).

Continuation of IV.C.

2. Equipment purchased or funded by the DoD Component concerned will either be retained by that DoD Component, or distributed to other DoD activities or to DoD contractors, unless the cost of retention or relocation would exceed the value of the equipment.

D. Funding. It is anticipated that the scope of most academic research performed at DoD activities will be sufficiently limited to be covered by funds and resources controlled directly by the need of the DoD activity concerned. However, in the cases where a DoD activity is service/industrial funded, funding may have to be provided by the academic institution and/or a sponsoring organization. (For DoD-supported Research Centers, this would involve fee and any allowable overhead funds already set aside for DoD research.)

1. By DoD Activities

- a. Normal operating costs of the DoD facility being used by academic investigators will be funded by the DoD activity operating the facility, unless significant incremental costs not directly related to the DoD activity's mission will be incurred.
- b. Additional costs generated from the academic research may be borne by the DoD Component concerned. The significance of such costs and the anticipated impact on the mission will be determined, primarily, (1) by the local DoD activity director, for research activities of the DoD, and (2) by the primary DoD contract monitor, for DoD-sponsored Research Centers.
- c. If programs for the use of specialized research facilities by academic investigators for work directly related to the mission of a DoD Component exceed the significant cost levels, the DoD Component concerned will use its established program/budget procedures to obtain any additional operating resources which are required.

2. By Sponsoring Academic Institutions

- a. Significant incremental operating costs not directly related to the mission of the DoD Component concerned will be reimbursed by the researcher's sponsoring academic institution and/or any other organization involved (see DoD Instruction 7230.7 (reference (b)) and IV.B.1.c., above).

- b. Significant costs for specialized equipment either purchased or fabricated by a DoD activity, and the cost of research performed at the researcher's home institution will be borne by the sponsoring academic institution and/or any other organization involved.
- E. Authority. The Secretaries of the Military Departments and the Directors of Defense Agencies will delegate authority to local laboratory directors under their jurisdiction to (1) negotiate use agreements (see IV.B., above) directly with academic institutions and investigators, (2) determine which research projects are to be accomplished by their activity, and (3) terminate agreements.
- F. Appraisal. DoD Components will use existing scientific and research advisory groups to monitor the overall program and assess its progress and contributions beneficial to the DoD and to the Nation.

V. REPORTING

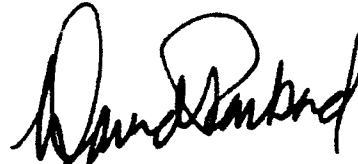
- A. Beginning November 1, 1970, a summary report of the following information will be prepared annually for each fiscal year by each Military Department and Defense Agency, and forwarded to the DDR&E by November 1 of each year:
 - 1. DoD activities involved and facilities provided.
 - 2. Areas of research.
 - 3. Any outstanding progress or accomplishments of such research which should be brought specifically to the attention of the DDR&E.
 - 4. Listing of the academic institutions involved.
 - 5. Number of academic investigators involved.
 - 6. Funds, (a) absorbed by the DoD activity and (b) special funds provided for incremental costs, expended by the reporting DoD Component.
 - 7. Manpower (man years) utilized by the reporting DoD Component.
 - 8. Problems encountered which prevent program from being fully effective and suggested solutions.
 - 9. What support of universities was requested and could not be provided and for what reasons.

10. Assessment, by the DoD Component, of the value of the program (a) to the reporting DoD Component, and (b) to the scientific community.

- B. This reporting requirement has been assigned Report Control Symbol DD-DR&E(A)977.

VI. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Two (2) copies of each implementing document shall be forwarded to the DDR&E within ten (10) working days after its publication, but no later than one hundred and twenty (120) days from the date of this Directive.



Deputy Secretary of Defense

Enclosure - 1
Federal Council for Science
and Technology Policy

Oct 1, 69
3202.1 (Encl 1)

FEDERAL COUNCIL FOR SCIENCE AND TECHNOLOGY
Executive Office Building
Washington, D. C. 20506

February 21, 1969

Policy on Expanded Use of Federal Research
Facilities by University Investigators

Unique, unusual, and expensive-to-duplicate facilities at Federal laboratories and federally-supported research centers should be made available to the national scientific community to the maximum extent practical without serious detriment to laboratory missions, especially to qualified academic scientists and engineers. Criteria for such use should be the scientific merit of the proposed experiment, its relation to the agency research mission, and its contribution to national research and research training.

When such facilities are used by academic scientists and engineers, the costs incurred by the laboratory or center for the operation of its unique or unusual research facilities should be funded by the agency responsible for the operation of that facility, except for any significant incremental costs incurred in support of research not directly related to the agency's mission. The research costs incurred at the experimenter's home institution and significant costs for specialized equipment fabricated at the center primarily for use by the particular experimenter should normally be borne by the granting agency, the home institution, and/or other sponsoring organization. However, when the research is sufficiently related or useful to the host agency's responsibility, these costs may be borne by the agency responsible for operation of the center.

Implementing Instructions

1. Departments and agencies should delegate authority for negotiations and decisions as to the use of Federal facilities by outside groups to local laboratory directors to the maximum extent possible, with such actions remaining as flexible and informal as responsible practice would indicate. Directors should be encouraged to make appropriate use of advisory groups in formulating their decisions.
2. When programs for non-government use of Federal facilities are expanded, department and agency officials should be prepared to assist laboratory directors obtain correspondingly increased staff and budget allocations.
3. Federal laboratory officials should seek agreements, executed by non-government users, absolving the Federal agency of liability in case of personal injury, death, and failure or damage to experiments or equipment.

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DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL

NO. WPB-1

DATE

DESCRIPTION

3202.1 - Ch 1

January 4, 1972

3200 series

ATTACHMENTS - None

INSTRUCTIONS FOR RECIPIENTS

The following pen changes to DoD Directive 3202.1, "Use of Department of Defense Research Facilities by Academic Investigators," dated October 1, 1969, have been authorized:

PEN CHANGES

1. Page 1 - Change the date of reference (b) to "August 17, 1970".
2. Page 5 - Delete V. REPORTING, A. 1. through 9.
3. Page 6 - Delete V. A. 10. and V. B.
Renummer section VI. EFFECTIVE DATE AND IMPLEMENTATION
as "V. ".

Maurice W. Roche

MAURICE W. ROCHE

Director, Correspondence and Directives Division
OASD(Comptroller)

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT